

(PLEASE NOTE - Emphasis Added: *gifted*)

Mandatory K-12 Services for Gifted Education in Arizona
as listed in ARS §15-203, §15-761, §15-763, §15-1201, §15-764, §15-770,
§15-772, and Arizona Administrative Code R7-2-406 and R7-6-613

Arizona Revised Statutes

The Arizona Revised Statutes have been updated with the 45th Legislature, 2nd regular session information

TITLE 15

CHAPTER 2 - STATE GOVERNANCE OF SCHOOLS

Article 1 - State Board of Education

§15-203. Powers and duties

A. The state board of education shall:

15. Adopt a list of approved tests for determining special education assistance to *gifted* students as defined in section 15-761 and as provided in section 15-764. The adopted tests shall provide separate scores for quantitative reasoning, verbal reasoning and nonverbal reasoning and shall be capable of providing reliable and valid scores at the highest ranges of the score distribution.

Article 4 - Special Education for Exceptional Children

§15-761. Definitions

In this article, unless the context otherwise requires:

6. "Exceptional child" means a *gifted* child or a child with a disability.

8. "*Gifted* child" means a child who is of lawful school age, who due to superior intellect or advanced learning ability, or both, is not afforded an opportunity for otherwise attainable progress and development in regular classroom instruction and who needs special instruction or special ancillary services, or both, to achieve at levels commensurate with the child's intellect and ability.

31. "Special education" means the adjustment of the environmental factors, modification of the course of study and adaptation of teaching methods, materials and techniques to provide educationally for those children who are *gifted* or disabled to such an extent that they need specially designed instruction in order to receive educational benefit. Difficulty in writing, speaking or understanding the English language due to an environmental background wherein a language other than English is spoken primarily or exclusively shall not be considered a disability that requires special education.

[§15-763. Plan for providing special education; definition](#)

A. All school districts and charter schools shall develop policies and procedures for providing special education to all children with disabilities within the district or charter school. All children with disabilities shall receive special education programming commensurate with their abilities and needs. Each child shall be ensured access to the general curriculum and an opportunity to meet the state's academic standards. Special education services shall be provided at no cost to the parents of children with disabilities.

D. For the purposes of this section, "special education" has the same meaning prescribed in section 15-1201.

[§15-1201. Definitions](#)

In this article, unless the context otherwise requires:

4. "Special education" means the adjustment of the environmental factors, modification of the course of study and adaptation of teaching methods, materials and techniques to provide educationally for those children who are at least three but not more than twenty-one years of age and who are *gifted* or disabled to such an extent that they do not profit from the regular course of study or need special education services in order to profit. Difficulty in writing, speaking or understanding the English language due to an environmental background in which a language other than English is spoken primarily or exclusively shall not be considered a sufficient handicap to require special education.

[§15-764. Powers of the school district governing board or county school superintendent](#)

C. The governing board of each school district shall provide special education to *gifted* pupils identified as provided in section 15-770. Special education for *gifted* pupils shall only include expanding academic course offerings and supplemental services as may be required to provide an educational program which is commensurate with the academic abilities and potential of the *gifted* pupil.

D. The governing board may modify the course of study and adapt teaching methods, materials and techniques to provide educationally for those pupils who are *gifted* and possess superior intellect or advanced learning ability, or both, but may have an educational disadvantage resulting from a disability or a difficulty in writing, speaking or understanding the English language due to an environmental background wherein a language other than English is primarily or exclusively spoken. Programs and services provided for *gifted* pupils as provided in this subsection may not be separate from programs provided for other *gifted* pupils and may not be provided in facilities separate from the facilities used for other *gifted* pupils. Identification of *gifted* pupils as provided in this subsection shall be based on tests or subtests that are demonstrated to be effective with special populations including those with a disability or difficulty with the English language.

E. The governing body of each school district, county or agency involved in intergovernmental agreements may, in cooperation with another school district or districts, establish special education programs for exceptional children. When two or

more governing bodies determine to carry out by joint agreement the duties in regard to the special education programs for exceptional children, the governing bodies shall, in accordance with state law and the rules of the division of special education, establish a written agreement for the provision of services. In such agreements, one governing body of each school district, an agency involved in intergovernmental agreements or the county shall administer the program in accordance with the contract agreement between the school districts. Tuition students may be included in the agreement. The agreement may also include lease-purchase of facilities for the special education programs for exceptional children.

F. The county school superintendent may, upon approval of the division of special education, establish special education programs in the county accommodation schools under the jurisdiction of the superintendent or may cooperate with other school districts by agreement to provide such services for such special programs in accordance with the rules of the division of special education. At the beginning of each school year the county school superintendent shall present an estimate of the current year's accommodation school exceptional programs tuition cost to each school district that has signed an agreement to use the services of the accommodation school. The tuition shall be the estimated per capita cost based on the number of pupils that each school district has estimated will enroll in the program, and the school district shall pay the tuition quarterly in advance on July 1, October 1, January 1 and April 1. Increases in enrollment during the school year over the school district's estimate of July 1 shall cause the tuition charges to be adjusted accordingly. In the event of overpayment by the school district of residence, the necessary adjustment shall be made at the close of the school year.

§15-770. *Gifted* pupils; scope and sequence; annual financial report

A. The governing board of each school district shall develop a scope and sequence for the identification process of and curriculum modifications for ***gifted*** pupils to ensure that ***gifted*** pupils receive special education commensurate with their academic abilities and potentials. The scope and the sequence shall:

1. Provide for routine screening for ***gifted*** pupils using one or more tests adopted by the state board as prescribed in section 15-203, subsection A, paragraph 15 and section 15-764. School districts may identify any number of pupils as ***gifted*** but shall identify as ***gifted*** at least those pupils who score at or above the ninety-seventh percentile, based upon national norms, on a test adopted by the state board.

2. Include an explanation of how special education for the ***gifted*** differs from regular education in such areas as:

(a) Content, including broad based interdisciplinary curriculum.

(b) Process, including higher level thinking skills.

(c) Product, including variety and complexity.

(d) Learning environment, including flexibility.

B. The governing board shall submit the scope and the sequence to the department of education for approval on or before July 1 if any changes were made during the previous fiscal year. All school districts shall provide to **gifted** pupils special education commensurate with their academic abilities and potentials.

C. If the governing board fails to submit the scope and sequence for **gifted** pupils as prescribed in subsection B of this section or if the scope and sequence submitted by the governing board fails to receive full approval by the superintendent of public instruction, the school district is not eligible to receive state aid for the group A weight for three per cent of the student count and shall compute the weighted student count for pupils in group A as provided in section 15-943 by adjustment of the student count accordingly. By December 1 of each year, the department of education shall notify those school districts which appear to be in noncompliance and note the specific areas of deficiencies which must be corrected by April 1 of the following year to be eligible to use the actual student count rather than an adjusted student count. By April 15, the department shall notify those districts which must use an adjusted student count for the next fiscal year's state aid as provided in chapter 9 of this title.

D. The annual financial report of a school district as prescribed in section 15-904 shall include the amount of monies expended on programs for **gifted** pupils and the number of pupils enrolled in programs or receiving services by grade level.

§15-772. Additional assistance for **gifted programs**

A. School districts which comply with section 15-770 and which submit evidence that all district teachers who have primary responsibility for teaching **gifted** pupils have obtained or are working toward obtaining the appropriate certification endorsement as required by the state board may apply to the department of education for additional funding for **gifted** programs equal to fifty-five dollars per pupil for three per cent of the district's student count, or one thousand dollars, whichever is more. As an alternate to the individual district application process, a governing board may request that a county school superintendent apply on its behalf as part of an educational consortia. The consortia may include school districts in more than one county. If additional monies are available after funding all eligible school districts or educational consortia, the additional monies shall be used to increase the per pupil amount for each district or educational consortia funded. If sufficient monies are not available to meet all requests, the state board shall determine the allocation of monies based on the comprehensiveness across grade levels, appropriateness to the population being served, utility and demonstrated effectiveness of the scope and sequence and the likelihood of the school district's or educational consortia's proposed program successfully meeting the needs of the **gifted** pupils. A school district shall include the monies it receives for **gifted** programs and services under this section in the special projects section of the budget.

B. School districts which receive additional assistance as provided in this section shall conduct evaluation studies of their programs for the **gifted** and submit information to the department of education regarding the results of their studies. The department shall develop evaluation guidelines, reporting forms, procedures and time lines.

Arizona Administrative Code

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

Supp. 02-2

(Authority: A.R.S. § 15-201 et seq.)

ARTICLE 4. SPECIAL EDUCATION

Section

R7-2-406. Gifted education programs and services

A. Governing boards shall adopt policies for the education of gifted students which shall include:

1. Procedures for identification and placement of students to be placed in gifted programs.
 - a. Students shall be served who score at or above the 97th percentile on national norms in any one of three areas - verbal, nonverbal, or quantitative reasoning - on any test from the State Board-approved list. Students who score below the 97th percentile also may be served.
 - b. Local educational agencies (LEAs) shall accept, as valid for placement, scores at or above the 97th percentile on any State Board-approved test submitted by other LEAs or by qualified professionals.
 - c. LEAs shall place transfer students as soon as they have verified eligibility.
2. Curriculum, differentiated instruction, and supplemental services for gifted students.
 - a. Expanded academic course offerings may include, for example, one or more of the following: acceleration, enrichment, flexible pacing, interdisciplinary curriculum, and seminars.
 - b. Differentiated instruction, which emphasizes the development of higher order thinking, may include critical thinking, creative thinking, and problem solving skills.
 - c. Supplemental services, which may be offered to meet the individual needs of each gifted student, may include, for example, guidance and counseling, mentorships, independent study, correspondence courses, and concurrent enrollment.
3. Parent involvement.
 - a. Each LEA shall provide the following information to all parents or legal guardians:
 - i. Definition of a gifted child;
 - ii. Services mandated for gifted students by the state of Arizona;
 - iii. Services available from the LEA;
 - iv. Written criteria of the LEA for referral, screening, selection and placement.
 - b. Each LEA shall develop policies and procedures which ensure that parents or legal guardians are:
 - i. Given the opportunity to have their children tested;
 - ii. Given advance notice of the week that their children are to be tested;
 - iii. Given the opportunity to withhold permission for testing;
 - c. Each LEA shall:
 - i. Make testing available for students K-12 on a periodic basis but not less than 3 times per year;
 - ii. Inform parents or legal guardians of the results of the district-administered test within 30 school days of determining the test results;
 - iii. Upon request, explain test results to parents or legal guardians.
4. The scope and sequence shall be a written program description which demonstrates articulation across all grades and schools to ensure opportunities for continuous progress and shall include:
 - a. Statement of purpose;
 - b. General population description;
 - c. Identification process and placement criteria including provisions for special populations;
 - d. Goals and objectives;
 - e. Curriculum, differentiated instruction, and supplemental services;
 - f. Program models;
 - g. Time allocations for services;
 - h. Procedures and criteria for evaluation of student and program outcomes.

B. The Arizona Department of Education shall develop and make available model policies for the development, implementation, and evaluation of services for gifted students.

Historical Note

Adopted effective December 12, 1990 (Supp. 90-4)

R7-2-613. Endorsements

J. Gifted Endorsements -- grades K-12

1. A gifted endorsement is required of individuals whose primary responsibility is teaching gifted students.
2. The provisional gifted endorsement is valid for 3 years and is not renewable. The requirements are an Arizona elementary, secondary, or special education certificate and one of the following:
 - a. Two years of verified teaching experience in which most students were gifted;
 - b. Ninety clock hours of verified in-service training in gifted education; or
 - c. Six semester hours of courses in gifted education.
3. Requirements for the gifted endorsement are:
 - a. An Arizona elementary, secondary, or special education certificate;
 - b. Completion of 9 semester hours of upper division or graduate level courses in an academic discipline such as science, mathematics, language arts, foreign language, social studies, psychology, fine arts, or computer science; and
 - c. Two of the following:
 - i. Three years of verified teaching experience in gifted education as a teacher, resource teacher, specialist, or similar position, verified by the district; or
 - ii. A minimum of 135-clock hours of verified in-service training in gifted education; or
 - iii. Completion of 12 semester hours of courses in gifted education. District in-service programs in gifted education may be substituted for up to six semester hours of gifted education courses. Fifteen clock hours of in-service is equivalent to one semester hour. In-service hours shall be verified by the district superintendent or personnel director. Practicum courses shall not be accepted toward this requirement; or
 - iv. Completion of six semester hours of practicum or two years of verified teaching experience in which most students were gifted.

Historical Note

Adopted effective December 4, 1998 (Supp. 98-4).